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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,979	10/21/2003	Stephan Braun	200208699-2	8110

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EXAMINER	
MILLER, BRANDON J	
ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
06/13/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/688,979	BRAUN ET AL.	
	Examiner	Art Unit	
	BRANDON J. MILLER	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Disposition of Claims

I. Claims 1-18 remain pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

II. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.,* 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

III. Claims 1-2, 7-9, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fosdick (5,752,041) in view of Lim et al (US 6,732,181 B2).

Regarding claim 1 Fosdick teaches a communications platform having a plurality of communications links (see col. 6, lines 38-41). Fosdick teaches each link providing a certain amount of traffic capacity to a communications network (see col. 6, lines 38-41, network usages relate to certain amount of traffic capacity). Fosdick teaches of which only a portion of the links to the communications network are enabled for use through activation of a first token (see col. 5, lines 33-35 and col. 6, lines 41-43). Fosdick teaches a licensing framework for enabling additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network (see col. 6, lines 35-41 and col. 7, lines 35-47). Fosdick teaches measuring the traffic level of the network and generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the license (see col. 5, lines 16-18 & 25-48). Fosdick does not specifically teach a telecommunications platform; a license key; and activating an upgrade license key. Lim teaches a telecommunications platform (see col. 1, lines 66-67 and col. 2, lines 1-6). Lim teaches a license key and activating an upgrade license key (see col. 6, lines 51-59, use of system license from application key relates to license key). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Fosdick adapt to include a telecommunications platform; a license key; and activating an upgrade license key because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by the application key taught in Lim.

Regarding claim 2 Fosdick and Lim teach a device as recited in claim 1 except for a traffic-monitoring element that is enabled for use by the licensing framework upon the activation of an upgrade license key. Fosdick does teach a traffic-monitoring element that is enabled for use by licensing framework upon activation of the usage token (see col. 5, lines 16-18 & 25-48). Lim does teach a license key and activating an upgrade license key (see col. 6, lines 51-59, use of system license from application key relates to license key). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a traffic monitoring element that is enabled for use by the licensing framework upon the activation of an upgrade license key because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by the application key taught in Lim.

Regarding claim 7 Lim teaches a replicated telecommunications platform connected in a high-availability arrangement though a high-availability framework (see col. 1, lines 15-27).

Regarding claim 8 Fosdick teaches a method of operating a communications platform having a plurality of communications links (see col. 6, lines 38-41). Fosdick teaches each link providing a certain amount of traffic capacity to a communications network (see col. 6, lines 38-41, network usages relate to certain amount of traffic capacity). Fosdick teaches of which only a portion of the links to the communications network are enabled for use through activation of a first token (see col. 5, lines 33-35 and col. 6, lines 41-43). Fosdick teaches enabling additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network (see col. 6, lines 35-41 and col. 7, lines 35-47). Fosdick teaches measuring the traffic level of the network and generating data related to the measured traffic level for determining whether the number of links used is greater than that

provided for by the license (see col. 5, lines 16-18 & 25-48). Fosdick does not specifically teach a telecommunications platform; a license key; and activating an upgrade license key. Lim teaches a telecommunications platform (see col. 1, lines 66-67 and col. 2, lines 1-6). Lim teaches a license key and activating an upgrade license key (see col. 6, lines 51-59, use of system license from application key relates to license key). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Fosdick adapt to include a telecommunications platform; a license key; and activating an upgrade license key because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by the application key taught in Lim.

Regarding claim 9 Brandt and Fosdick teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 14 Brandt and Fosdick teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 15 Fosdick teaches a communications platform having a plurality of communications links (see col. 6, lines 38-41). Fosdick teaches each link providing a certain amount of traffic capacity to a communications network (see col. 6, lines 38-41, network usages relate to certain amount of traffic capacity). Fosdick teaches of which only a portion of the links to the communications network are enabled for use through activation of a first token (see col. 5, lines 33-35 and col. 6, lines 41-43). Fosdick teaches a licensing framework for enabling additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network (see col. 6, lines 35-41 and col. 7, lines 35-47). Fosdick does not specifically teach a telecommunications platform; a license key;

and activating an upgrade license key. Lim teaches a telecommunications platform (see col. 1, lines 66-67 and col. 2, lines 1-6). Lim teaches a license key and activating an upgrade license key (see col. 6, lines 51-59, use of system license from application key relates to license key). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Fosdick adapt to include a telecommunications platform; a license key; and activating an upgrade license key because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by the application key taught in Lim.

Regarding claim 16 Fosdick teaches a communications platform having a plurality of communications links (see col. 6, lines 38-41). Fosdick teaches each link providing a certain amount of traffic capacity to a communications network (see col. 6, lines 38-41, network usages relate to certain amount of traffic capacity). Fosdick teaches of which only a portion of the links to the communications network are enabled for use through activation of a first token (see col. 5, lines 33-35 and col. 6, lines 41-43). Fosdick teaches a licensing framework for enabling additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network (see col. 6, lines 35-41 and col. 7, lines 35-47). Fosdick teaches measuring the traffic level of the network, in response to the activation of the usage token, and generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the license (see col. 5, lines 16-18 & 25-48). Fosdick does not specifically teach a telecommunications platform; a license key; and activating an upgrade license key. Lim teaches a telecommunications platform (see col. 1, lines 66-67 and col. 2, lines 1-6). Lim teaches a license key and activating an upgrade license key (see col. 6, lines 51-59, use of system license from application key relates

to license key). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Fosdick adapt to include a telecommunications platform; a license key; and activating an upgrade license key because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by the application key taught in Lim.

Regarding claim 17 Fosdick teaches a communications platform having a plurality of communications links (see col. 6, lines 38-41). Fosdick teaches each link providing a certain amount of traffic capacity to a communications network (see col. 6, lines 38-41, network usages relate to certain amount of traffic capacity). Fosdick teaches of which only a portion of the links to the communications network are enabled for (see col. 5, lines 33-35 and col. 6, lines 41-43). Fosdick teaches a licensing framework for enabling additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network (see col. 6, lines 35-41 and col. 7, lines 35-47). Fosdick teaches measuring the traffic level of the network and generating data related to the measured traffic level for determining whether the number of links used exceeds the number in the first portion (see col. 5, lines 16-18 & 25-48). Fosdick does not specifically teach a telecommunications platform; a license key; and activating an upgrade license key. Lim teaches a telecommunications platform (see col. 1, lines 66-67 and col. 2, lines 1-6). Lim teaches a license key and activating an upgrade license key (see col. 6, lines 51-59, use of system license from application key relates to license key). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Fosdick adapt to include a telecommunications platform; a license key; and

activating an upgrade license key because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by the application key taught in Lim.

IV. Claims 3-6, 10-13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fosdick (5,752,041) in view of Lim et al (US 6,732,181 B2) and Mougi et al. (US 2001/0037403 A1).

Regarding claim 3 Fosdick and Lim teach a device as recited in claim 1 except for a time-limited validity period, and further comprising a license enforcement element for deactivating the plurality of links enabled by the activation of a license key upon the expiry of the validity period. Fosdick does teach a license enforcement element for deactivating the plurality of links enabled by the activation of the usage token (see col. 5, lines 35-37). Mougi teaches wherein a license key has a time-limited validity period (see paragraph [0060]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a time-limited validity period, and further comprising a license enforcement element for deactivating the plurality of links enabled by the activation of a license key upon the expiry of the validity period because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by an application license key.

Regarding claim 4 Fosdick, Lim, and Brandt teach a device as recited in claim 3 except for wherein the license enforcement element is adapted to progressively deactivate the plurality of links over a predefinable time period. Fosdick teaches a license enforcement that progressively deactivates links (see col. 5, lines 32-37). Mougi teaches wherein a license key has a time-limited validity period (see paragraph [0060]). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to make the device adapt to include wherein the license enforcement element is adapted to progressively deactivate the plurality of links over a predefinable time period because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by an application license key.

Regarding claim 5 Fosdick, Lim, and Brandt teach a device as recited in claim 3 except for wherein the license enforcement element is adapted to deactivate all of the plurality of links immediately upon expiry of a license key. Fosdick teaches a license enforcement that deactivates links (see col. 5, lines 32-37). Mougi teaches wherein a license key has a time-limited validity period (see paragraph [0060]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include wherein the license enforcement element is adapted to deactivate all of the plurality of links immediately upon expiry of a license key because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by an application license key.

Regarding claim 6 Fosdick, Lim, and Brandt teach a device as recited in claim 3 except for wherein the license enforcement element is adapted to deactivate use of the traffic-monitoring element upon expiry of the upgrade license key. Fosdick teaches a license enforcement element that is adapted to use a traffic-monitoring element (see col. 5, lines 32-37). Mougi teaches wherein a license key has a time-limited validity period (see paragraph [0060]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a license enforcement element that is adapted to deactivate use of the traffic monitoring element upon expiry of the upgrade license key because this would

because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by an application license key.

Regarding claim 10 Fosdick, Lim, and Brandt teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 11 Fosdick, Lim, and Brandt teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 12 Fosdick, Lim, and Brandt teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 13 Fosdick, Lim, and Brandt teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 18 Fosdick and Lim teach a device as recited in claim 1 except for wherein the upgrade license key has a time-limited validity period, and wherein the traffic monitoring element is configured to be enabled, in response to activation of the upgrade license key, for the duration of the validity period. Fosdick teaches wherein the traffic monitoring element is configured to be enabled in response to activation of the usage token (see col. 5, lines 32-37). Mougi teaches wherein license key that has a time-limited validity period (see paragraph [0060]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include wherein the upgrade license key has a time-limited validity period, and wherein the traffic monitoring element is configured to be enabled, in response to activation of the upgrade license key, for the duration of the validity period because this would because Fosdick teaches a communication system and the function of the use tokens in Fosdick can be performed by an application license key.

Response to Arguments

V. Applicant's arguments filed 3/7/2008 have been fully considered but they are not persuasive.

Regarding independent claims 1, 8, 15, 16, and 17 the combination of Fosdick and Lim teach a device as claimed.

Specifically, Fosdick teaches enabling additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network (see col. 6, lines 35-41 and col. 7, lines 35-47). Each system in Fosdick is seen by the examiner as reading on a communications network and network usage limit is seen by the examiner as reading on network traffic capacity. Col. 6, lines 40-41 state that the usage limit for each system is initially set to 5. Col. 7, lines 35-47 state that after an additional link is enabled the usage limit is increased to 6 allowing an additional user and thus increasing the total amount of traffic capacity to that system.

VI. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

VII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Brandon J Miller/
Examiner, Art Unit 2617

June 5, 2008